IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 776 of 2004

In

Suit No.391 of 1982

Pankaj Anantrai Bhuwa and Ors..Plaintiffs

V/s

M/s Ramkumar Shivchandray and

Sons Pvt. Ltd. ..Defendants

Mr.R.M.Tiwari for Plaintiff

P.Shinde i/b M.Dhruva and Co. for Applicant

Mr.M.Dadhich for Defendant

CORAM:S.U.KAMDAR,J.

DATED: 8th February 2005

P.C.:-

. The present Chamber Summons has been taken out by the Respondent for adding him as party defendant to the suit. Respondent admittedly is the Director of the defendant company and is claiming right through the defendant company.

. The suit is filed for specific performance of the agreement dated 23-4-1981 against the Company. The said agreement is admittedly between plaintiff and defendant Company. Thus

the director can not be impleaded as party defendant to such a suit. However, the learned Counsel appearing for the Respondent has drawn my attention to para 10 of the affidavit in support of Chamber Summons in which it is inter alia alleged that Bhagwati Prasad Poddar group is managing affairs of the defendant company in a very clandestine manner and impleading in underhand dealing. It is further alleged that they are likely to surrender the suit property to the plaintiff thus the applicant as director of the company has taken out the aforesaid Chamber Summons. In my opinion, the Director of the Company has no independent right in the assets of the company. The company is legal entity and can be sue and be sued by the company. Therefore his grievance against other directors of the company pertaining to the affairs of the company can not be agitated by him in this suit. His remedy against the directors of the company is independent and not by adding himself as party defendant in the present suit.

. In view of the aforesaid, Chamber Summons is dismissed with no order as to costs.

(S.U.KAMDAR,J.)